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Seventh session

Overview of the reporting procedures

The following overview of the reporting procedures were adopted by the Committee on the Rights of the Child at its seventh session in October 1994.

Introduction

1. The Committee on the Rights of the Child met for the first time in 1991, soon after its 10 members had been elected by the meeting of States parties. From the very beginning the Committee started devising appropriate working methods aimed at an effective and constructive contribution to the implementation of the United Nations Convention on the Rights of the Child. The methods, largely based on the same original approach, have been developed and refined.

2. The following overview is designed to make the current procedures more transparent and readily accessible to States parties and others interested in the implementation of the Convention, including United Nations agencies and other competent bodies such as non-governmental organizations.

A. General guidelines for reporting

3. The Committee has aimed at structuring the reporting process and the dialogue with the State party in such a way that issues of principal concern are dealt with in a methodical and informative manner. For this purpose the Committee has prepared guidelines regarding the form and content of initial reports to be submitted by States parties under article 44, paragraph 1 (a), of the Convention. These guidelines, contained in document CRC/C/5, are public and have been disseminated to all States parties concerned. The Committee strongly recommends all States parties to report to it in accordance with the guidelines and in a thorough and timely manner.

4. The guidelines request that the reports contain relevant legislative, judicial, administrative and other information, including statistical data, to give the Committee a good basis for its analysis. States parties are requested to give information about "factors and difficulties encountered" and "progress achieved". "Implementation priorities" and "specific goals" for the future are also requested.

5. To facilitate a more structured discussion the guidelines group the articles according to content and in a logical order:

(a) General measures of implementation (arts. 4, 42 and 44.6);

(b) Definition of the child (art. 1);

(c) General principles (arts. 2, 3, 6 and 12);

(d) Civil rights and freedoms (arts. 7, 8, 13-17 and 37a);

(e) Family environment and alternative care (arts. 5, 18.1, 18.2, 9, 10, 27.4, 20, 21, 11, 19, 39 and 25);

(f) Basic health and welfare (arts. 6.2, 23, 24, 26, 18.3, 27.1, 27.2 and 27.3);

(g) Education, leisure and cultural activities (arts. 28, 29 and 31);

(h) Special protection measures:

(i) Children in situations of emergency (arts. 22, 38 and 39);

(ii) Children in conflict with the law (arts. 40, 37 and 39);

(iii) Children in situations of exploitation, including physical and psychological recovery and social reintegration (arts. 32, 33, 34, 35, 36 and 39);

(iv) Children belonging to a minority or an indigenous group (art. 30).

This list also forms the agenda for the discussions with States parties.

6. The guidelines relate to the initial reports which should be submitted within two years after the Convention has entered into force for the State party concerned. Another set of guidelines will be issued for the submission of the forthcoming periodic reports every five years, the first of which are due in September 1997.

B. Examination of States parties' reports

Work of the pre-sessional working group

7. Discussions of a State party report with government representatives are prepared by a working group. The working group normally meets immediately

after one session of the Committee to prepare for the next one. All Committee members are invited to the pre-sessional meeting. These meetings are not open to the public and there are no formal records. Any decisions taken by the working group are reported to the Committee at its next plenary session.

8. The principal purpose of the working group is to identify in advance the most important issues to be discussed with the representatives of the States. The intent is to give advance notice to the States parties of the principal issues which might arise in the examination of their reports. The Convention on the Rights of the Child is wide-ranging, comprehensive and complex; the possibility for government representatives to prepare in advance their answers to some of the principal questions is likely to make the discussion more constructive.

9. The secretariat prepares country files for the pre-sessional working group, containing information relevant to each of the reports to be examined. For this purpose the Committee invites relevant United Nations bodies and specialized agencies, non-governmental organizations and other competent bodies to submit appropriate documentation to the secretariat. Some of the information is included in the country analysis documents, other information is placed in files which are available to Committee members during the sessions.

10. A special emphasis is placed on receiving relevant documentation from bodies and agencies within the United Nations system, such as UNICEF, ILO, WHO, UNHCR, UNESCO, UNDP and the World Bank, as well as from other human rights treaty bodies and mechanisms, and from non-governmental organizations, both domestic and international. Such contributions are also of importance in regard to discussions about technical advice and assistance in the light of article 45 (b) of the Convention.

11. Representatives of the United Nations bodies and agencies take part in the meetings of the working group and give expert advice. The working group may also invite representatives of other competent bodies, including non-governmental organizations, to provide information.

12. The working group draws up a List of Issues which is sent to the respective Government through diplomatic channels. In order to facilitate the efficiency of the dialogue, the Committee requests the State party to provide the answers to its List of Issues in writing and in advance of the session, in time for them to be translated into the working languages of the Committee.

13. An invitation to a forthcoming session of the Committee is also sent to the State party, indicating the date, time and venue for the planned discussion.

Presentation of the report

14. The State party report will be discussed in open and public meetings of the Committee, during which both the State representatives and Committee members take the floor. Relevant United Nations bodies and agencies are represented. Summary records of the meetings are issued and the

United Nations Department of Public Information is invited to cover the proceedings for the purpose of their Press Releases. Other journalists are free to attend, as are representatives of non-governmental organizations and any interested individual.

15. With the factual situation largely clarified in writing, there should be room in the discussions to analyse "progress achieved" and "factors and difficulties encountered" in the implementation of the Convention. As the purpose of the whole process is constructive, sufficient time should be given to discussions about "implementation priorities" and "future goals". For these reasons the Committee welcomes the representation of the State party to be a delegation with concrete involvement in strategic decisions relating to the rights of the child. When delegations are headed by someone with governmental responsibility, the discussions are likely to be more fruitful and have more impact on policy-making and implementation activities.

16. After a brief introduction of the report, the State delegation is asked to provide information on subjects covered by the List of Issues, starting with the first section of the guidelines, i.e. general measures of implementation. Then the dialogue starts. Committee members may want to ask further questions or make comments on the written or oral answers, and the delegation may respond. The discussion moves step by step through the next group of issues according to the guidelines.

17. States parties which have made reservations to the Convention may be asked about the implications of that position in the light of article 51, paragraph 2, of the Convention, which stipulates that reservations incompatible with the object and purpose of the Convention shall not be permitted. Another point of reference is the recommendation by the 1993 World Conference on Human Rights that reservations should be formulated as precisely and narrowly as possible and that States should regularly review any reservations with a view to withdrawing them.

18. Towards the end of the discussion, Committee members summarize their observations on the report and the discussion itself and may also make suggestions and recommendations. Lastly, the State delegation is invited to make a final statement. Afterwards, the Committee will, in a closed meeting, agree on written Concluding Observations which include suggestions and recommendations. If it is deemed that the information submitted is insufficient or that there is a need to clarify a number of issues further, and it is agreed that the discussion about the report should continue at a later session, the observations will be preliminary and the State party will be informed accordingly.

19. The Concluding Observations usually contain the following aspects: introduction; positive aspects (including progress achieved); factors and difficulties impeding the implementation; principal subjects for concern; suggestions and recommendations addressed to the State party. The Preliminary Observations usually have a similar structure, but it is made clear that they are not final.

20. The Committee may in its observations request additional information from the State party, in accordance with article 44 of the Convention, in order to be able to better assess the situation in the State party. A deadline for submission of such written information will be determined.

21. The Concluding Observations are made public on the last day of a Committee session during the adoption of the report, of which they form a part. Once adopted, they are made available to the States parties concerned, and also issued as official documents of the Committee. In accordance with article 44, paragraph 5, of the Convention, the Committee's reports are submitted to the United Nations General Assembly, through the Economic and Social Council, for its consideration, every two years.

22. In the spirit of article 44, paragraph 6, it is important that the Concluding Observations are made widely available in the State party concerned. If it so wishes, the State party may address any of the observations in the context of any additional information that it provides to the Committee.

C. Procedures for follow-up action

23. It is assumed that concerns expressed by the Committee in its Concluding Observations will be addressed in a detailed manner by the State party in its next report. The Committee may mention in its observations some specific issues on which it is particularly interested to receive detailed information.

24. In cases where the Committee has asked for additional information in accordance with article 44, paragraph 4, such information will be on the agenda at a future session.

25. When the discussion of a State party report ends with Preliminary Observations by the Committee, the dialogue will continue at a future session. The Preliminary Observations outline the issues to be discussed at the next stage and specify what further information the Committee requests, in advance and in writing.

26. The Committee may, in accordance with article 45 (b), transmit to relevant agencies and bodies, including the Centre for Human Rights, any reports from States parties containing a request or indicating a need for technical advice or assistance, along with the Committee's observations and suggestions. This refers to needs both in relation to the reporting process and to implementation programmes.

27. States can request support from the Programme of Advisory Services and Technical Assistance of the Centre for Human Rights. Such requests could concern reviews required for ratification or accession and preparation of the report, as well as training seminars and other activities to make the principles and provisions of the Convention known and incorporated into national legislation and action plans.

28. The Concluding Observations of the Committee are disseminated to all relevant United Nations bodies and agencies, as well as other competent bodies, and might serve as a basis for discussions on international

cooperation. The Committee may also, in its observations, make particular reference to the need for and possibilities of such cooperation.

D. Procedure in relation to overdue reports

29. The Convention makes reporting in time an obligation in itself. The Committee emphasizes the importance of timely reports.

30. Records are kept on the submission of reports specifying which ones are overdue. The Committee issues regular reminders to States.

31. With such communications, information is also given about the possibility for States to request technical assistance and advisory services from the United Nations Centre for Human Rights.

32. In a case of persistent non-reporting by a State party, the Committee may decide to consider the situation in the country in the absence of a report, but on the basis of all available information. The State party will be notified about such a decision in advance of the event.

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